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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,268	08/18/2000	Maureen A Lally	07072-935001	7446
23483	7590	02/27/2004	EXAMINER	
HALE AND DORR, LLP 60 STATE STREET BOSTON, MA 02109			TSAI, CAROL S W	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/642,268	LALLY ET AL.	
	Examiner	Art Unit	
	Carol S Tsai	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being obvious over U. S. Patent No. 5,953,689 to Hale et al. in view of U. S. Patent No. 6,487,562 to Mason, Jr. et al.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this

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rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

With respect to claims 1 and 6, Hale et al. disclose a method for measuring system performance in a mass storage system, the storage system having a plurality of disk drive storage elements controlled by a disk drive controller, the controller receiving commands and data from and returning at least data to a plurality of host computers, the method comprising the steps of: generating an input parameter containing sequence input of commands for operating the system for measuring system performance and generating from the input parameter sequence a test sequence a test sequence input identifying commands to be send to the storage system (see col. 3, lines 23-59); executing at at least one host computer a test request identified by the test sequence input, by sending commands to the mass storage system (see Abstract, lines 13-17; col. 1, lines 65 to col. 2, line 3; col. 3, lines 37-59; col. 5, lines 26-44; and col. 6, lines 55-57), accumulating, at least the executing host computer, data regarding performance of the mass storage system, in response to the requests sent by the host computer, and processing the accumulated data regarding the performance of the mass storage system in response at least to one host-generated command (see Abstract, lines 17-27; col. Col. 2, lines 3-8; col. 3, line 60 to col. 4, line 43; and col. 6, lines 61-67).

Hale et al. do not disclose a graphical user interface for enabling the generating.

Mason, Jr. et al. teach a graphical user interface for enabling the generating (see col. 2, lines 21-30; col. 2, line 50 to col. 3, line 2; col. 5, lines 22-64; and col. 9, lines 25-47).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hale et al.'s method to include a graphical user interface for enabling the generating, as taught by Mason, Jr. et al., in order to allow a user or system administrator to easily observe and configure system parameters (see Abstract, lines 12-14).

As to claims 2 and 3, Hale et al. do not disclose generating configuration data at the graphical user interface.

Mason, Jr. et al. teach generating configuration data at the graphical user interface (see Fig. 3; Abstract, lines 5-12; col. 3, lines 19-29; col. 5, lines 22-64; and col. 9, lines 25-30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hale et al.'s method to include generating configuration data at the graphical user interface, as taught by Mason, Jr. et al., in order to allow the user to monitor system behavior (see col. 9, lines 36-37).

As to claim 4, Hale et al. in combination with Mason, Jr. et al. do not disclose selecting, user the graphical user interface, from various test types for the input sequence of commands, in point and click fashion.

The Examiner takes Official Notice that selecting, user the graphical user interface, from various test types for the input sequence of commands, in point and click fashion, is well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hale et al. in combination with Mason, Jr. et al.'s method to include selecting, user the graphical user interface, from various test types for the input sequence of commands, in point and click fashion, because pointing device, such as a computer mouse, a

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track ball, a stylus, or a tablet, that can be used to manipulate a pointer on a screen of a general-purpose computer in order to help user to be productive and get any information he needs on specific object or field or subject.

As to claim 5, Hale et al. also disclose defining a system configuration, test periods, and sequence of test repeats (see col. 4, lines 24-34 and col. 5, line 45 to col. 6, line 40).

Response to Arguments

4. Applicant's arguments filed 12/19/2003 have been fully considered but they are not persuasive.

Applicants argue that Mason's graphical user interface is said to allow users to easily configure QOS parameters, this teaching is not properly combinable with Hale because Mason does not disclose or suggest using a graphical user interface in any relation to measuring mass storage system performance, that Mason is only concerned with optimizing the system by changing QOS parameters. The Examiner disagrees with Applicants. It is well known in the art that a graphical user interface is a type of display format that can be implemented as part of the processing system to receive or generate input data and commands from a conventional keyboard and mouse through I/O interface by pointing to pictorial representations (icons) and lists of menu items on the screen and display results on display monitor in order to allow an operator/user of the test to more easily facilitate manipulation, retouching, alteration and otherwise editing tasks. As set forth above, Hale et al. disclose generating an input parameter containing sequence input of commands for operating the system for measuring system performance, except for a graphical user interface for enabling the generating. Mason, Jr. et al. teach a graphical user interface for

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enabling the generating (see col. 2, lines 21-30; col. 2, line 50 to col. 3, line 2; col. 5, lines 22-64; and col. 9, lines 25-47), in order to allow a user or system administrator to easily observe and configure system parameters (see Abstract, lines 12-14). Therefore, the combination of Hale et al. and Mason, Jr. et al. clearly teach the claimed invention.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. W. Tsai

02/19/04


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800